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Docket Number: 2316-150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Examiner: Frank W. LU
ANDERSON et al.) Group Art Unit: 1634
Serial No.: 10/050,102)
Filed: January 18, 2002)

For: DETECTION AND CHARACTERIZATION OF MICROORGANISMS

RESPONSE AFTER FINAL UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 15, 2003

Dear Sir:

In response to the Final Rejection mailed July 14, 2003, wherein the Examiner set a three-month period for response, the response was due September 14, 2003. As the due date falls on a Sunday, filing this response on Monday September 15, 2003 is deemed timely. (See 37 CFR § 1.17(a)).

Remarks/Arguments begin on page 2 of this paper.

An **Appendix** following page XXX of this paper includes:

- 1) TERMINAL DISCLAIMER for 6,340,570,
- 2) TERMINAL DISCLAIMER for 6,479,239,
- 2) a STATEMENT UNDER 37 CFR 3.73(b),
- 3) an Associate Power of Attorney,
- 4) a Certificate under 37 CFR 3.73(b), and
- 5) a Change In Correspondence Address.



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REMARKS/ARGUMENTS

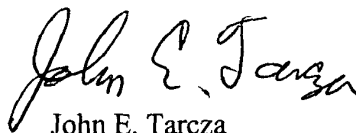
In response to the Final Rejection mailed July 14, 2003, Applicants have submitted two terminal disclaimers, which overcome the obviousness-type double patenting rejections. Other papers including a change of address, associate power of attorney, statement under 37 CFR 3.73(b) and a certificate under 37 CFR 3.73(b) are also attached.

Pages 6 and 7 of the Office Action contained a typographical error by incorrectly indicated the patent number to be 6,479,232. The terminal disclaimers do not pertain to such a patent. In view of the above exhibits and comments, the claims are now in conditions for allowance and applicants request a timely Notice of Allowance be issued in this application.

The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No.500933.

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Respectfully submitted,


John E. Tarcza
Reg. No. 33,638

Date: September 15, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an enveloped addressed to:
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On September 15, 2003

Typed or printed name of person signing this certificate John E. Tarcza

Signature 